

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DANIEL J. LEVETO, :
Plaintiff :
vs. : CIVIL NO. 1:CV-05-149 Erie
THE HONORABLE MAURICE :
B. COHILL, :
Defendant :

O R D E R

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

On July 19, 2005, the Defendant, Judge Maurice B. Cohill, filed a motion to dismiss Plaintiff's complaint.¹ The Plaintiff has not responded to, or opposed, the motion. The motion will be granted.

Judge Cohill raises the defense of judicial immunity, which clearly applies here. Plaintiff's complaint, that Judge Cohill violated his rights by granting an extension of time to the government to respond to a pre-trial motion, falls squarely within the immunity judges are given in connection with the performance of their judicial duties.²

¹Coincidentally, on July 26, 2005, the Plaintiff filed a notice advising that he wished to discontinue his lawsuit.

²We need not address the remaining objections raised by the Defendant which are also meritorious.

AND NOW, this 23rd day of August, 2005, Defendant's motion to dismiss Plaintiff's complaint (doc. 6) is granted and Plaintiff's complaint is dismissed.

The Clerk of Court shall close the file.

/s/William W. Caldwell
William W. Caldwell
United States District Judge